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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/617,420	07/10/2003	John Strassner	CNTW-019/01US 036958-2041	3119
22903 7590 02/06/2008 COOLEY GODWARD KRONISH LLP ATTN: PATENT GROUP Suite 1100 777 - 6th Street, NW WASHINGTON, DC 20001			EXAMINER NGUYEN, PHUOC H	
			ART UNIT 2143	PAPER NUMBER
			MAIL DATE 02/06/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/617,420

Applicant(s)

STRASSNER, JOHN

Examiner

Phuoc H. Nguyen

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) 8-13 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This communication is responsive to Amendment filed November 12, 2007.
2. Claims 1-7 are pending in this application. Claim 7 is independent claim. In Amendment, claims 8-13 are withdrawn. This Office Action is made final.

#### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Lee et al. (U.S. 6,615,257).

Re claim 1, Lee et al. disclose in Figures 1-7 a network device management system (e.g. Figure 2) comprising:

a storage facility (e.g. storage medium 210 in Figure 2 and col. 5 lines 8-13) to store at least one configuration knowledge instances (e.g. configuration areas 230 in Figure 2) and at least one configuration data instances (e.g. configuration data 220 in Figure 2) for each of a plurality of network devices (e.g. abstract and col. 2 lines 40-65, and lines 56-68), wherein the instances of configuration knowledge describe physical and

logical capabilities of the plurality of network devices (e.g. col. 3 lines 60-68, col. 5 lines 31-45, and col. 6 lines 37-50 wherein upstream data rate/frequency is logical and physical capabilities of the cable modem as an example) and the instances of configuration data describe the physical and logical capabilities utilized by the plurality of network devices (e.g. col. 3 lines 60-68, col. 5 lines 31-45, and col. 6 lines 37-50, wherein 6MHz is data input that is utilized by the cable modem to communicate with other network device as an example) (e.g. general in Figures 4 and 6); and

an assembler in communication with the storage facility (e.g. components 240 and 250 in Figure 2), the assembler being capable of accessing the configuration knowledge instances and configuration data instances (e.g. col. 1 lines 52-65 and col. 5 lines 1-45) and assembling a device configuration from a selected one or more configuration knowledge instances and one or more configuration data instances (e.g. general view as seen in Figure 2 and col. 1 lines 10-45).

Re claim 2, Lee et al. further disclose in Figures 1-7 each configuration knowledge instance comprises at least one configuration knowledge schemata defining one or more capabilities of a network device (e.g. abstract and col. 1 lines 52-62).

Re claim 3, Lee et al. further disclose in Figures 1-7 including a data entry facility for creating, modifying, and deleting said configuration knowledge instances and said configuration data instances (e.g. by editing component 250 in Figure 2).

Re claim 4, Lee et al. further disclose in Figures 1-7 the storage facility comprises a central storage device (e.g. as storage medium 210 in Figure 2 and col. 5 lines 1-23).

Re claim 5, Lee et al. further disclose in Figures 1-7 the storage facility comprises a distributed network of storage devices (e.g. col. 5 lines 1-23 by among devices).

Re claim 6, Lee et al. further disclose in Figures 1-7 the assembler comprises a management application (e.g. Figure 2).

Re claim 7, Lee et al. further disclose in Figures 1-7 the management application is configured to execute one or more functionalities selected from the group consisting of searching for assets, accounting for assets, versioning of asset information, editing of asset information, and updating of asset information (e.g. Figure 2 and col. 2 lines 12-65 and col. 6 line 37 to col. 7 line 13).

### ***Response to Arguments***

5. Applicant's arguments filed November 12, 2007 have been fully considered but they are not persuasive.

a. The applicant argues in page 5 for claims rejected under 35 U.S.C. 102(e) that the cited reference by Lee totally silent about the newly added limitations as amended in the claimed invention.

The examiner respectfully submits that the newly added limitations as amended in the claimed invention is clearly addressed and rejected in this Office action as seen above wherein Figures 4 and 6 generally but adequately cover the newly added limitations as above.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

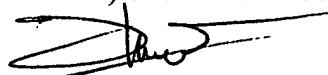
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuoc H. Nguyen whose telephone number is 571-272-3919. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Flynn can be reached on 571-272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Phuoc H Nguyen  
Primary Examiner  
Art Unit 2143

January 28, 2008